

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ST. PAUL FIRE & MARINE INSURANCE )  
COMPANY, a foreign corporation, )

Plaintiff, )

V. )

Case No. CIV-23-00203-JD

LONGBOW LOGISTICS, LLC, a foreign  
 limited liability company; NICHOLAS A.  
 VENTRESCA, SR., individually and parent  
 and next of kin of N.A.V.J., a minor,

Defendants. )

## ORDER

Before the Court is Plaintiff's Response to Show Cause Order filed on July 20, 2023 [Doc. No. 10] responding to this Court's Order to Plaintiff to Show Cause why service has not been made on Defendants Longbow Logistics, LLC and Nicholas A. Ventresca, Sr. within the time for effecting service under Federal Rule of Civil Procedure 4(m). [Doc. No. 5].

Plaintiff has been corresponding with counsel for Defendants regarding settlement amount paid to N.A.V.J. in the underlying suit, as well as information pertaining to Mr. Ventresca's claimed loss so Plaintiff can evaluate its obligations, if any, to Defendants. Once Plaintiff receives this information, the parties may mediate the matter to avoid further litigation. To that end, Plaintiff requests an additional ninety (90) days to serve Defendants.

District courts in the Tenth Circuit “employ a two-step analysis for dismissal pursuant to Rule 4(m).” *Womble v. Salt Lake City Corp.*, 84 F. App’x 18, 20 (10th Cir. 2003) (unpublished). First, if the plaintiff shows good cause for the failure to timely serve a defendant, the Court must extend the deadline for an “appropriate period.” *Espinoza v. United States*, 52 F.3d 838, 841 (10th Cir. 1995) (citing Fed. R. Civ. P. 4(m)). Second, “[i]f the plaintiff fails to show good cause, the district court must still consider whether a permissive extension of time may be warranted.” *Id.*

Without opining on whether the response shows good cause for a mandatory extension, *cf. Espinoza*, 52 F.3d at 841 (citing cases where no good cause shown), the Court finds that, given the showing in Plaintiff’s response, a permissive extension of **sixty (60) days** from today would be appropriate.

IT IS THEREFORE ORDERED that Plaintiff shall have 60 days or until **October 13, 2023** in which to effect service on Defendants Longbow Logistics, LLC and Nicholas A. Ventresca, Sr. Otherwise the Court will dismiss this matter without prejudice under Rule 4(m) if there are no further filings by Plaintiff or showing of service on Defendants by October 13, 2023.

IT IS SO ORDERED this 14th day of August 2023.



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JODI W. DISHMAN  
UNITED STATES DISTRICT JUDGE